IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21056 of 2004

Between:

R. Venkata Guru Prasad, S/o. of Ranga Subba Rao, Hindu,
r/o. D.No. 4-108, Old Town, Macherla, Guntur District.

..... PETITIONER

AND

The General Manager, National Thermal Power Corporation,
Rashtrapathi Road, Secunderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Order, direction, Or Writ, more particularly one in the nature of Writ of Mandamus directing the Respondent herein to consider the case of the petitioner for appointment to any suitable post by extending the benefit of employment to the displaced persons whose lands were acquired by the Government for the purpose of constructions of Power Projects/Major Projects whose lands were acquired for the said purpose.

Counsel for the Petitioner: MR.S.JAGADISH

Counsel for the Respondent: MR.K.V.SUBRAMANYA NARASU

The Court, at the stage of admission, made the following :

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ORAL ORDER

The writ petition is filed to direct the respondent to consider the case of the petitioner for appointment to any suitable post by extending the benefit of employment to the displaced persons whose lands were acquired by the Government for the purpose of construction of Power projects/major projects, under the control of National Thermal Power Corporation (for short “N.T.P.C.”).

The learned counsel for the petitioner contended that the lands of the petitioner were acquired for the purpose of construction of 400/200 K.V Sub-station under the control of N.T.P.C and, therefore, he comes under a displaced person under the respondent. Hence the case of the petitioner can be considered as per the existing scheme.

On the other hand, the learned counsel for the respondent vehemently contended that the lands of the petitioner were not acquired for the purpose of construction of N.T.P.C, but, the same were acquired for the purpose of construction of 400/200 K.V Sub-station and the petitioner will not come under the scheme framed by the N.T.P.C and, therefore, the question of considering the case of petitioner for employment does not arise.

The petitioner gave a representation to the respondent on 11-10-2004 stating that Government has taken a policy decision to give job opportunities to the depending unemployed persons in the family, whose agricultural lands were acquired and therefore, his case may be considered. When the respondent has not considered the case of the petitioner, this writ petition is filed.

The lands of the petitioner to an extent of Ac.9.92 cents in S.No.176/A and 176/B of Tallapalli village were acquired for the purpose of construction of 400/200 K.V Sub-Station, which according to the version of petitioner is under the control of N.T.P.C but, according to the version of the learned counsel for the respondent the same was acquired not for any other purpose of N.T.P.C. and, therefore, the question of considering the case of the petitioner, as a displaced person of the lands, can not be entertained. The said Sub-station is only for the purpose of N.T.P.C. Whether any scheme is formulated for the purpose of providing employment to the displaced persons, the same has to be considered by the respondent as per the scheme framed or, the other rules for the purpose of providing employment to the displaced persons like the present petitioner. So the representation has to be considered by the respondent herein, as to whether the petitioner is within the purview of the scheme or not. Therefore, a direction can be given to the respondent to consider the case of the petitioner within a period of four (4) weeks from the date of receipt of a copy of this Order, as per the scheme or rules framed for the above said purpose.

Accordingly, the writ petition is disposed of. No order as to costs.

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K.C.BHANU,J

22ND NOVEMBER 2004

*TSNR

To

1. The General Manager, N.T.P.C. R.P.Road, Secunderabad.
2. Two C.D.Copies